

UNITED STATES DISTRICT COURT

FILED
CHARLOTTE, NC

for the

JUN 11 2019

Western District of North Carolina

United States of America)

v.)

Raymond Baucom)

Case No. 3:19MJ191

US DISTRICT COURT
WESTERN DISTRICT OF NC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 1, 2018 in the county of Mecklenburg in the
Western District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2252A(a)(5)(B)

Possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Det Andrew Key

Complainant's signature

Andrew Key, Task Force Officer - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/11/2019

David C. Keesler

Judge's signature

City and state: Charlotte, North Carolina

David Keesler, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
A CRIMINAL COMPLAINT AND AN
ARREST WARRANT FOR
RAYMOND BAUCOM

CASE Number: **3:19-MJ-191**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND AN ARREST
WARRANT

I, Andrew Key, after being duly sworn, depose and state:

1. I am currently employed by the Charlotte Mecklenburg Police Department, serving in the capacity as a Task Force Officer with the Federal Bureau of Investigation (FBI) Child Exploitation Task Force. I have been sworn as a Special Deputy U.S. Marshal by the U.S. Marshal's Office in the Western District of North Carolina. I have been a sworn law enforcement officer in the state of North Carolina for approximately 5 years and have been investigating computer crimes in conjunction with crimes against children for the last 4 years. As part of my duties, I investigate violations of federal law, including the online exploitation of children, particularly in relation to violations of Title 18, United States Code (USC), Sections 2251, 2252 and 2252A which criminalize, among other things, the production, advertisement, possession, receipt, accessing with intent to view and transportation of child pornography. I have gained experience in the conduct of such investigations through training in seminars, classes, and work related to conducting these types of investigations.

2. I, Andrew Key, make the following statement in support of a request for a criminal complaint and arrest warrant.

3. This Affidavit is intended to show only there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The Affiant's probable cause includes information known to me and/or provided to me by other federal, state, and/or local law enforcement officers.

STATUTORY AUTHORITY

4. This investigation concerns alleged violations of

- a. 18 U.S.C. § 2252A(a)(5)(B) make it a crime for any person to knowingly possess, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

DEFINITIONS

5. The following definitions apply to this Affidavit:

- a. "Child Pornography" includes any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct; (b) the visual depiction was a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct; or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. See 18 U.S.C. § 2256(8).

- b. "Mobile devices" are essentially mini-handheld computers with most of (or all of) the functionality of a traditional computer. Mobile devices can utilize applications for remote storage services (like Dropbox, Mega, and OneDrive accounts) to access, view, store, and share digital files with others, including images of child pornography. Mobile devices can also be used to communicate with others through various chat applications, to including video chat and image sharing applications. See 18 U.S.C. § 1030(e)(1).
- c. "Minor" means any person under the age of 18 years. See 18 U.S.C. § 2256(1).
- d. "Sexually explicit conduct" refers to actual or simulated (a) sexual intercourse (including genital-genital, oral-genital, or oral-anal), whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person. See 18 U.S.C. § 2256(2)(A).

PROBABLE CAUSE

6. On August 15, 2018, Detective Andrew Key with the Charlotte Mecklenburg Police Department, Cyber Crimes Unit was assigned to follow up with Cybertip #26340194 from the National Center for Missing and Exploited Children (NCMEC).

7. Cybertip #26340194 was regarding a report from Synchronoss Technologies, Inc, that on or about December 23, 2017, cell phone number 980-257-3675 was uploading files containing child pornography. Synchronoss Technologies provide off-site cloud storage solutions for businesses. The phone number 980-257-3675 associated with the account is registered to M.A.L. Inc. located at 6162 McDaniel Ln, Charlotte, NC.

8. On September 25, 2018 Detective Key obtained and executed a search warrant for Synchronoss Technologies Inc. requesting all information currently stored on their server for phone number 980-257-3675.

9. On September 27, 2018 Detective Key received the results of the search warrant for Synchronoss Technologies and reviewed them. Detective Key reviewed the results of the search warrant and did not observe any information that would be relevant to this investigation.

10. Based on the results of the search warrant, Detective Key determined the last investigative step to potentially determine who uploaded the child pornographic images reported by Synchronoss Technologies Inc. was to respond to the headquarters of M.A.L. Inc. and speak with a representative who would be able to provide the name of the person who was using phone number 980-257-3675.

11. On October 1, 2018, Detective Key went to M.A.L. Inc. and met with the owner of the company David Baucom and his secretary. Detective Key was informed that the phone number associated with this tip belongs to David's nephew Raymond Baucom.

12. Raymond was in the office and agreed to meet with Det. Key in a conference room. After being advised of the identity of the interviewing Detective and the nature of the interview, Raymond Baucom voluntarily spoke with Detective Key.

13. Mr. Baucom was advised about the pictures uploaded to Synchronoss and was asked specifically about the picture which depicted a boy performing oral sex on a man and he stated it must have come from an old email or Dropbox account he had and Mr. Baucom did not deny he was the person who uploaded the picture.

14. Det. Key asked Mr. Baucom if he had any pictures or videos of juveniles < 18 years old engaged in sexual activity with other juveniles, themselves or adults or if he had any pictures or

videos of juveniles with erect penises on his cell phone currently and Mr. Baucom originally denied having any. Mr. Baucom later admitted there may be child pornography on his cell phone, but he did not indicate where he received any of the material that might be on his cell phone.

15. Mr. Baucom admitted he has had pictures of juveniles with erect penises on his cell phone in the past. Mr. Baucom admitted he did have pictures of juveniles peeing and swimming naked on his phone which he downloaded from YouTube.

16. Mr. Baucom admitted to seeing images that Detective Key was "talking about" in the Dropbox account bryanblaquara21@gmail.com as early as about June 2018 using the cell phone he currently had. Mr. Baucom stated the Dropbox account belongs to someone in Canada who he met but he did not say how he gained access to the Dropbox account.

17. Mr. Baucom admitted he has "a problem" and looks at child pornography on his phone because it keeps him from going out into the community and doing something, but he did not say specifically what he would do.

18. Mr. Baucom provided Detective Key with written consent to search his LG cell phone and provided the password to access the device. Detective Key took a preliminary look at a couple of the videos on Mr. Baucom's cell phone and observed a partial video of a white male less than 15 years old engaged in anal sex. Mr. Baucom was shown the video, but he did not indicate where he obtained the video from.

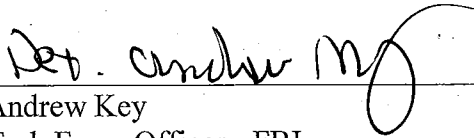
18. The cell phone was forensically examined and numerous files containing child pornography were located but it could not be determined if any of the images or videos were downloaded from Dropbox. What follows is a description of three of those files:

- a. A video titled "(luto) peja all (pthc boy)" which is 3 minutes and 21 second long. The video shows an approximately 7 and 10-year-old males masturbating each other and a boy performing oral sex on the other boy.
- b. A video titled "2 boys_mpeg4" which is 2 minutes and 39 seconds long. The video shows 2 prepubescent males with one performing oral sex on the other.
- c. A video titled "10 years Boy and Girl "which is 2 minutes and 51 seconds long. The video shows a boy and girl who both appear to be less than 15 years old engaging in vaginal sex.

19. A total of approximately 58 videos and 950 images of child pornography were found on the SD card inside of the defendant's cell phone.

CONCLUSION

19. Based on the foregoing, your Affiant submits this Affidavit which supports probable cause for a warrant to arrest Raymond Baucom for having violated Title 18, United States Code, Section 2252A(a)(5)(B), which prohibits the possession of child pornography.



Andrew Key
Task Force Officer - FBI
Affiant

Sworn before the undersigned this the 11th day of June 2019.



DAVID KEESLER
UNITED STATES MAGISTRATE JUDGE